



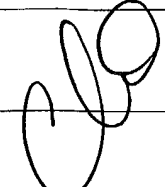
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,861	08/23/2002	Marius Cornea	P6801.9US	4601
30008	7590	05/21/2004	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			RIVELL, JOHN A	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,861	Applicant(s) CORNEA ET AL.	
	Examiner John Rivell	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/5/04 (1.48 Pet), 4/30/04 (ele).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) 6-13, 17, 20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-16, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election without traverse of the species of Group I, subspecies b, claims 1-5, 14-15, 18, 19 and 21, in paper No. 04302004 is acknowledged.

Claims 6-13, 17, 20 and 22 are thus withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 04302004.

In view of the papers filed April 5, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the deletion of Messrs. Mathias Lang, Harald Hahn and Rolf Neuhaus. Additionally, Mr. Bernd Weigand has been added to the inventorship.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

An action on the merits of claims 1-5, 14-16, 18, 19 and 21 is as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. §102 (b) as being anticipated by Whiting.

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The patent to Whiting discloses "a check valve comprising a closing element (19) configured to close at least one bore (13), wherein the closing element (19) is comprised of a strip (19) formed to a ring" as recited in claim 1.

Regarding claim 2, in Whiting, "the strip (19) is comprised of spring steel" as disclosed at column 2, line 32, as recited.

Regarding claim 3, in Whiting, "the strip (19) has a substantially rectangular contour" as illustrated in the figure, as recited.

Regarding claim 4, in Whiting, "the strip (19) has ends overlapping one another in a mounted position of the strip" as disclosed at column 2, lines 50-56, as recited.

Claims 1-4, 14-16, 18 and 19 are rejected under 35 U.S.C. §102 (b) as being anticipated by Viles et al.

The patent to Viles et al. discloses, in figures 3 and 4, "a check valve comprising a closing element configured to close at least one bore (31 and/or 32), wherein the closing element is comprised of a strip (28) formed to a ring" as recited in claim 1.

Regarding claim 2, in Viles et al., "the strip (28) is comprised of spring steel" as disclosed at column 2, lines 23-28, as recited.

Regarding claim 3, in Viles et al., "the strip (28) has a substantially rectangular contour" as recited.

Regarding claim 4, in Viles et al., "the strip (28) has ends spaced apart from one another in a mounted position of the strip", as shown in fig. 4, as recited.

Regarding claim 14, in Viles et al., "the valve arrangement comprises a valve member (conductor 30) having an annular channel (shown receiving the "strip" 28) and

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at least one bore (31, 32) opening into the annular channel, wherein the strip (28) of the at least one check valve is arranged in the annular channel" as recited.

Regarding claim 15, in Viles et al., "the annular channel is arranged in a valve sleeve (conductor 30) of the valve member" as recited.

Regarding claim 16, in Viles et al., "the strip (28) is positioned in the annular channel and wherein the annular channel has a width greater than a width of the strip (28)" as viewed in fig. 3, as recited.

Regarding claim 18, in Viles et al., "the annular channel is arranged in an outer wall of the valve sleeve (conductor 30), wherein the valve member comprises an auxiliary sleeve (outer housing at banjo fitting 36) surrounding the valve sleeve (30) and closing the annular channel radially outwardly" as recited.

Regarding claim 19, in Viles et al., "the strip (28) rests with elastic pretension against the valve sleeve (30) or the auxiliary sleeve" as recited.

Claim 21 is, based on the description at page 5, lines 26-30 being interpreted as meaning that "floating" of the strip intends the strip to be in an open position when not subjected to fluid pressure and/or any mechanical force other than gravity, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.